IN THE HIGH COURT OF BOMBAY AT PANAJI AT GOA.

CRIMINAL MISC. APPLICATION NO. 140 OF 2006.
CRIMINAL MISC. APPLICATION NO. 141 OF 2006.
CRIMINAL MISC. APPLICATION NO. 142 OF 2006.
CRIMINAL MISC. APPLICATION NO. 143 OF 2006.
CRIMINAL MISC. APPLICATION NO. 144 OF 2006.

CRIMINAL MISC. APPLICATION NO. 140 OF 2006.

Hari Datta Birajdar
Behind Amruta Garden Hotel,
Satola, Shirval, Pune,
Maharashtra. ..... Applicant/Accused

V e r s u s

S T A T E
(Through Valpoi Police Station),
Valpoi, Sattari-Goa. ..... Respondent

CRIMINAL MISC. APPLICATION NO. 141 OF 2006.

Ravindra Babulal Pardeshi,
Near Satyanarayan Mandir,
Raviwar Peth,
Pune, Maharashtra. ..... Applicant/Accused

V e r s u s

S T A T E
(Through Valpoi Police Station),
Valpoi, Sattari-Goa. ..... Respondent

CRIMINAL MISC. APPLICATION NO. 142 OF 2006.

Chandrashekhar Yeshwantrao Shinde,
Mangalwar Peth,
at Post Office Bhor,
Pune, Maharashtra. ..... Applicant/Accused

V e r s u s

S T A T E
(Through Valpoi Police Station),
Valpoi, Sattari-Goa. ..... Respondent

CRIMINAL MISC. APPLICATION NO. 143 OF 2006.

Mr. Eknath Raut,
Residing at Post Waddi,
Taluka Bhor, Pune,
Maharashtra. ..... Applicant/Accused

V e r s u s

S T A T E
(Through Valpoi Police Station),
Valpoi, Sattari-Goa. ..... Respondent

CRIMINAL MISC. APPLICATION NO. 144 OF 2006.

Anil H. Pawar,
Behind Amruta Garden Hotel,
Sarola, Shirval, Pune,
Maharashtra. ..... Applicant/Accused

V e r s u s

S T A T E
(Through Valpoi Police Station),
Valpoi, Sattari-Goa. ..... Respondent

Shri A. N. S. Nadkarni with Shri D. Lawande, Advocate for the Applicant/accused.

Shri S. N. Sardessai, Public Prosecutor for the State/Respondent.

CORAM: N. A. BRITTO, J.

DATE: 2nd MARCH, 2006.

P.C.

Heard Shri Nadkarni, the learned Counsel on behalf of the applicant/s and Shri Sardessai, the learned Public Prosecutor, on behalf of the respondent.

2. The applicants herein are accused in Crime no. 03/06 of Valpoi Police Station, registered under Section/s 395, 448, 450, 342, 323, 506 (II) and 427 of I.P.C. The said crime came to be registered upon a complaint filed by Shri Santosh Vishnu Joshi, with the allegation that on 09.01.2006, between 21.45 hours to 22.45 hours, the said accused namely A1/Anil Pawar, being the Proprietor of Amruta Garden Hotel, Pune, A2/Hari Datta

Birajdar, being the waiter in the said Hotel, along with three more accused persons, in the age group of 40 to 50 years, trespassed into the house of the said Complainant and confined him, his wife Sukhada and son Gautam, in their bedroom and assaulted the Complainant with fist blows and stole away one Mobile handset, one Telephone Receiver, a T.V., a CD player, Titan Watch, Dish T.V. Receiver, two Tape Recorders, belonging to the said Complainant and not only that, the said accused A1/Pawar forced the Complainant to sign a cheque in the sum of Rs.40,000/- and also stole a gold Mangalsutra, one gold Muhurt Mani and one pair of gold earrings belonging to the wife of the Complainant Santosh Joshi, all worth of Rs.63,900/- and also broke an alarm clock and threatened the Complainant and his family members with dire consequences to kill. As per the complaint, the motive for the said crime was that the Complainant had failed to provide a housing loan to the said accused Pawar through the friend of the Complainant by name Shri Nalavne, resident of Pune, who is a Bank Manager at the United Western Bank Ltd., Pune.

3. The said accused were arrested in connection with the investigations of the said crime on 18.01.2006 and were in police custody till 27.01.2006, and since then, they are in judicial custody. It appears that

they filed two bail applications before the Court of Sessions, Panaji. The first bail application was rejected by Order dated 04.02.2006 and the second by Order dated 18.02.2006. What made the learned Additional Sessions Judge, at the time of rejecting the second bail application, was the fact that the identification parade was fixed on 18.02.2006 which, since then, has been held on 23.02.2006.

4. At the time of hearing, Shri Nadkarni, the learned Counsel for the applicant/s, has submitted that when the alleged incident took place, admittedly, no weapon was used by any of the accused and that only three persons had entered the house of the Complainant and with a view to complete the offence of dacoity by naming five persons, that the Complainant implicated five persons though the Complainant's wife has given the number of persons involved in the incident as six. Shri Nadkarni has further submitted that the Complainant had owed money to accused no.1/Pawar, and because he was unable to pay, that the Complainant issued the said cheque along with the said items, which according to the Complainant, were forcibly taken by the accused.

5. It is not necessary to go into the defenses which are sought to

be raised on behalf of the accused at this stage. Nevertheless, the only objection taken by Shri Sardessai, the learned P.P., is that the accused are from outside the State and, therefore, they may not be available to face trial. Admittedly, A1/Anil Pawar, is the owner of a Hotel and A2/Hari Datta Birajdar and A3/Eknath Raut, are his employees. It is stated that A4/Chandrashekhar is also related to A1/Anil Pawar and A5/Ravindra Pardeshi, is also the employee of the said accused no.1/Anil Pawar. On behalf of the accused, reliance has been placed on the case of ***Babu Singh & Ors. v. The State of U.P. (AIR 1978 S.C. 527)***. In my view, it is not necessary to refer to the decision cited on behalf of the applicants/accused. The apprehension of the prosecution that the accused will not attend the trial, appears to be more imaginary than real. Since there is no other objection taken nor any could be taken, considering the facts of the case, in my view, the applicants/accused, are entitled to bail. The application/s are, therefore, hereby allowed and the applicant/s, shall be released on bail upon execution of a bond of Rs.15,000/- each, with one surety in the like amount to the satisfaction of the learned Additional Sessions Judge, Panaji.

N. A. BRITTO, J.

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